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**Attorney for Plaintiffs, DAVID J. LEE and
DANIEL R. LLOYD**

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

**DAVID J. LEE, and DANIEL R.
LLOYD, as individuals and, on
behalf of others similarly situated,**

Plaintiffs,

vs.

**AMERICAN EXPRESS TRAVEL
RELATED SERVICES, INC., a New
York corporation, AMERICAN
EXPRESS CENTURION BANK, a
Utah corporation, AMERICAN
EXPRESS BANK, FSB, a Utah
corporation, and DOES 1, through
100, inclusive,**

Defendants.

Case No.: C-07-4765 CRB

**NOTICE OF APPEAL TO THE
UNITED STATES COURT OF
APPEAL FOR THE NINTH
CIRCUIT**

**[REPRESENTATION STATEMENT
AND CIVIL APPEALS
DOCKETING STATEMENT,
FILED CONCURRENTLY]**

1 DAVID J. LEE and DANIEL R. LLOYD the Plaintiffs/Appellants herein,
2 appeal to the United States Court of Appeals for the Ninth Circuit from the final
3 judgment of the District Court, entered in this case on December 6, 2007
4 (Docketed as No. 35 on December 6, 2007) granting the Defendants' motion to
5 dismiss the Plaintiffs' complaint.
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7 There are no related cases in connection with this appeal.

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9 Dated: December 28, 2007

Respectfully submitted,

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11 /s/
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13 _____
14 Matthew S. Hale, Counsel
15 For Plaintiffs/Appellants
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PROOF OF SERVICE

I am employed in the City of Newport News, Virginia. I am over the age of eighteen (18) and not a party to the within action; my business address is P.O. Box 1951, Newport News, VA 23601.

On Friday, December 28, 2007, I caused to be served by Federal Express overnight courier the foregoing documents: (1) Notice of Appeal to the United States Court of Appeal for the Ninth Circuit, (2) Representation Statement, and (3) Civil Appeals Docketing Statement.

The foregoing documents were served on:

Julia B. Strickland
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(310) 556-5806
jstrickland@stroock.com.

I declare under penalty of perjury, penalty of perjury pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct. Executed on the 28th day of December 2007 in Newport News, Virginia.

/S/

Matthew S. Hale, Esq.